

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2242

To require the Administrator of the Environmental Protection Agency to establish a program to encourage voluntary environmental cleanup of facilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 1993

Mr. SWIFT introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require the Administrator of the Environmental Protection Agency to establish a program to encourage voluntary environmental cleanup of facilities, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Voluntary Environ-  
5       mental Cleanup Act of 1993”.

6       **SEC. 2. DEFINITIONS.**

7       As used in this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) AFFECTED SITE.—

5           (A) IN GENERAL.—The term “affected  
6           site” means a facility in a State that is deter-  
7           mined by the State to have environmental con-  
8           tamination that—

9                   (i) could prevent the timely use, devel-  
10                  opment, or reuse of the facility; and

11                  (ii) is limited in scope and can be  
12                  comprehensively and readily characterized.

13           (B) EXCEPTION.—Such term shall not in-  
14           clude—

15                   (i) any facility that is the subject of a  
16                  planned or an ongoing response action  
17                  under the Comprehensive Environmental  
18                  Response, Compensation, and Liability Act  
19                  of 1980 (42 U.S.C. 9601 et seq.);

20                   (ii) any facility included, or proposed  
21                  for inclusion, in the National Priorities  
22                  List maintained by the Administrator  
23                  under such Act;

24                   (iii) any facility that is the subject of  
25                  a planned or ongoing corrective action

1 under section 3004(u) or 3008(h) of the  
2 Solid Waste Disposal Act (42 U.S.C.  
3 6924(u) or 6928(h)), including any facility  
4 with respect to which a corrective action  
5 permit or order has been issued or modi-  
6 fied to require the implementation of cor-  
7 rective measures;

8 (iv) any land disposal unit with re-  
9 spect to which a closure notification under  
10 subtitle C of the Solid Waste Disposal Act  
11 (42 U.S.C. 6921 et seq.) has been submit-  
12 ted and closure requirements have been  
13 specified in a closure plan or permit;

14 (v) any facility that contains poly-  
15 chlorinated biphenyls subject to response  
16 under section 6(e) of the Toxic Substances  
17 Control Act (15 U.S.C. 2605(e));

18 (vi) any facility with respect to which  
19 an administrative order on consent or judi-  
20 cial consent decree requiring cleanup has  
21 been entered into by the President under  
22 the Comprehensive Environmental Re-  
23 sponse, Compensation, and Liability Act of  
24 1980 (42 U.S.C. 9601 et seq.), the Solid  
25 Waste Disposal Act (42 U.S.C. 6901 et

1 seq.), the Federal Water Pollution Control  
2 Act (33 U.S.C. 1251 et seq.), the Toxic  
3 Substances Control Act (15 U.S.C. 2601  
4 et seq.) or title XIV of the Public Health  
5 Service Act, commonly known as the Safe  
6 Drinking Water Act (42 U.S.C. 300f et  
7 seq.);

8 (vii) any facility owned or controlled  
9 by, or that is the subject of a planned or  
10 ongoing remediation of environmental con-  
11 tamination by, a department, agency, or  
12 instrumentality of the executive branch of  
13 the Federal Government; and

14 (viii) any facility at which assistance  
15 for response activities may be obtained  
16 pursuant to subtitle I of the Solid Waste  
17 Disposal Act (42 U.S.C. 6991 et seq.)  
18 from the Leaking Underground Storage  
19 Tank Trust Fund established under sec-  
20 tion 9508 of the Internal Revenue Code of  
21 1986.

22 (3) CONTAMINANT.—The term “contaminant”  
23 includes any hazardous substance, as defined in sec-  
24 tion 101(14) of the Comprehensive Environmental  
25 Response, Compensation, and Liability Act of 1980

1 (42 U.S.C. 9601(14)) and petroleum-contaminated  
2 soil or debris.

3 (4) CURRENT OWNER.—The term “current  
4 owner” means, with respect to a voluntary cleanup  
5 of an affected site, an owner of the site that is an  
6 owner at the time of the cleanup.

7 (5) DISPOSAL.—The term “disposal” has the  
8 meaning provided the term in section 1004(3) of the  
9 Solid Waste Disposal Act (42 U.S.C. 6903(3)).

10 (6) ENVIRONMENTAL CONTAMINATION.—The  
11 term “environmental contamination” means the ex-  
12 istence at a facility of one or more contaminants  
13 that may pose a health or environmental risk.

14 (7) FACILITY.—The term “facility” has the  
15 meaning provided the term in section 101(9) of the  
16 Comprehensive Environmental Response, Compensa-  
17 tion, and Liability Act of 1980 (42 U.S.C. 9601(9)).

18 (8) LOCAL GOVERNMENT.—The term “local  
19 government” means the governing body of a political  
20 subdivision of a State, including the governing body  
21 of any county, parish, municipality, city, town, town-  
22 ship, Federally recognized Indian tribe, or similar  
23 governing body.

24 (9) SITE CHARACTERIZATION.—

1 (A) IN GENERAL.—The term “site charac-  
2 terization” means an investigation that deter-  
3 mines the nature and extent of environmental  
4 contamination at an affected site and meets the  
5 requirements referred to in subparagraph (B).

6 (B) INVESTIGATION.—For the purposes of  
7 this paragraph, an investigation that meets the  
8 requirements of this subparagraph shall include  
9 an onsite evaluation, and sufficient testing,  
10 sampling, and other field data gathering activi-  
11 ties, to accurately analyze whether the site is  
12 contaminated and the health and environmental  
13 risks posed by the environmental contamination  
14 at the site. The investigation may also include  
15 review of existing information (available at the  
16 time of the review) and an offsite evaluation, if  
17 appropriate.

18 (10) VOLUNTARY CLEANUP.—The term “vol-  
19 untary cleanup” means the remediation of environ-  
20 mental contamination at an affected site undertaken  
21 and financed by a current owner or prospective pur-  
22 chaser subject to oversight and approval by a State.

23 **SEC. 3. VOLUNTARY CLEANUP GRANT PROGRAM.**

24 (a) IN GENERAL.—

1 (1) ESTABLISHMENT OF GRANT PROGRAM.—

2 The Administrator shall establish a program to pro-  
3 vide a grant to any State that submits an applica-  
4 tion that is approved by the Administrator to estab-  
5 lish or expand a State voluntary cleanup program  
6 that meets the requirements of paragraph (3).

7 (2) CERTIFICATION.—In an application for a  
8 grant under this section, a State shall be required  
9 to certify that the voluntary cleanup program of the  
10 State will meet the requirements of paragraph (3).

11 (3) REQUIREMENTS FOR STATE VOLUNTARY  
12 CLEANUP PROGRAM.—A State voluntary cleanup  
13 program meets the requirements of this paragraph if  
14 the State—

15 (A) provides adequate opportunities for  
16 public participation, including prior notice and  
17 opportunity for comment, in selecting voluntary  
18 cleanup actions;

19 (B) provides technical assistance through-  
20 out each voluntary cleanup;

21 (C) provides adequate oversight and has  
22 adequate enforcement authorities to ensure that  
23 voluntary cleanups are completed in accordance  
24 with all applicable Federal and State require-  
25 ments, including any ongoing operation and

1 maintenance or long-term monitoring activities;  
2 and

3 (D) requires the current owner or prospec-  
4 tive purchaser of an affected site to pay all  
5 costs incurred by the State for oversight of the  
6 voluntary cleanup of the site.

7 (b) GRANT AWARDS.—

8 (1) IN GENERAL.—In carrying out the program  
9 established under subsection (a), the Administrator  
10 shall, subject to the availability of appropriations,  
11 award a grant to the Governor of each State that  
12 submits an application to the Administrator in ac-  
13 cordance with subsection (a).

14 (2) GRANT AMOUNT.—The amount of a grant  
15 awarded to any State under subsection (a) shall be  
16 determined by the Administrator on the basis of the  
17 financial need of the State for establishing or ex-  
18 panding a voluntary cleanup program, and shall be  
19 in an amount not less than \$200,000, but not to ex-  
20 ceed \$500,000, for each fiscal year.

21 (3) REPORTING.—Each State that receives a  
22 grant under subsection (a) shall submit to the Ad-  
23 ministrator, not later than 2 years after receipt of  
24 the grant, a progress report that includes a descrip-



1       tion of the cleanups made in accordance with the  
2       voluntary cleanup program of the State.

3           (4) TERMINATION OF GRANTS.—If the Admin-  
4       istrator determines that a State voluntary cleanup  
5       program no longer meets the requirements of sub-  
6       section (a)(3), the Administrator may terminate a  
7       grant made to the State, and require full or partial  
8       repayment of the grant award.

9       (c) STATE CERTIFICATION.—Each Governor of a  
10      State that receives a grant under this section shall, not  
11      later than 1 year after receipt of an initial grant, and an-  
12      nually thereafter, submit to the Administrator a certifi-  
13      cation that states—

14           (1) the State voluntary cleanup program meets  
15      the criteria referred to in subsection (a);

16           (2) all cleanups achieved or undertaken pursu-  
17      ant to the State voluntary cleanup program fully  
18      comply with all applicable requirements of Federal  
19      or State law;

20           (3) public participation opportunities have been  
21      adequate during the process of selecting a cleanup  
22      method for each voluntary cleanup;

23           (4) voluntary cleanups achieved or undertaken  
24      pursuant to the State voluntary cleanup program  
25      have been undertaken in a manner that has reduced

1 or eliminated health and environmental risks to the  
2 satisfaction of the State; and

3 (5) for any voluntary cleanup initiated pursuant  
4 to the State voluntary cleanup program that has in-  
5 creased health and environmental risks, the State  
6 has taken timely and appropriate steps to reduce or  
7 eliminate the health and environmental risks.

8 (d) STATUTORY CONSTRUCTION.—Nothing in this  
9 Act is intended—

10 (1) to impose any requirement on a State vol-  
11 untary cleanup program existing on or after the date  
12 of enactment of this Act if the Governor of the State  
13 has not been awarded a grant under this section; or

14 (2) to preclude a Governor of a State with a  
15 voluntary cleanup program referred to in paragraph  
16 (1) from submitting an application for a grant under  
17 this section.

18 **SEC. 4. SITE CHARACTERIZATION GRANT PROGRAM.**

19 (a) IN GENERAL.—The Administrator shall establish  
20 a program to provide grants to local governments to con-  
21 duct site characterizations for affected sites at which vol-  
22 untary cleanups are being conducted or are proposed to  
23 be conducted under a State voluntary cleanup program  
24 that is the subject of a grant award under section 3.

25 (b) SCOPE OF PROGRAM.—

1           (1) GRANT AWARDS.—In carrying out the pro-  
2           gram established under subsection (a), the Adminis-  
3           trator may award a grant to the head of each local  
4           government that submits to the Administrator an  
5           application to conduct a site characterization at an  
6           affected site within the jurisdiction of the local  
7           government.

8           (2) GRANT APPLICATION.—An application for a  
9           grant under this section shall—

10                 (A) include a description of the affected  
11                 site;

12                 (B) include information demonstrating the  
13                 financial need of the owner of the affected site  
14                 for funds to conduct a site characterization;

15                 (C) include an analysis that demonstrates  
16                 the potential of the affected site for creating  
17                 new business and employment opportunities on  
18                 completion of the cleanup of the site; and

19                 (D) provide such other information, and be  
20                 in such form, as the Administrator determines  
21                 appropriate to carry out this Act.

22           (3) APPROVAL OF APPLICATION.—

23                 (A) IN GENERAL.—In making a decision  
24                 whether to approve an application submitted

1 under paragraph (1), the Administrator shall  
2 consider—

3 (i) the financial need of the owner of  
4 the affected site for funds to conduct a site  
5 characterization;

6 (ii) the estimated fair market value of  
7 the site after cleanup;

8 (iii) other economically viable, com-  
9 mercial activity on real property—

10 (I) located within the immediate  
11 vicinity of the affected site at the time  
12 of consideration of the application; or

13 (II) projected to be located with-  
14 in the immediate vicinity of the af-  
15 fected site by the date that is 5 years  
16 after the date of the consideration of  
17 the application;

18 (iv) the potential of the affected site  
19 for creating new business and employment  
20 opportunities on completion of the cleanup  
21 of the site;

22 (v) whether the affected site is located  
23 in an economically distressed community;  
24 and

1 (vi) such other factors as the Admin-  
2 istrator considers relevant to carry out the  
3 purposes of the grant program established  
4 under this section.

5 (B) GRANT CONDITIONS.—As a condition  
6 for awarding a grant under this section, the  
7 Administrator may, on the basis of the criteria  
8 considered under subparagraph (A), attach  
9 such conditions to the grant award as the Ad-  
10 ministrator determines appropriate.

11 (4) GRANT AMOUNT.—The amount of a grant  
12 awarded to any local government under subsection  
13 (a) for characterization of an affected site shall not  
14 exceed \$100,000.

15 (5) TERMINATION OF GRANTS.—If the Admin-  
16 istrator determines that a local government that re-  
17 ceives a grant under this subsection is in violation  
18 of a condition of a grant award referred to in para-  
19 graph (2), the Administrator may terminate the  
20 grant made to the local government and require full  
21 or partial repayment of the grant award.

22 **SEC. 5. VOLUNTARY CLEANUP ASSISTANCE PROGRAM.**

23 (a) IN GENERAL.—

24 (1) ESTABLISHMENT OF PROGRAM.—The Ad-  
25 ministrator shall establish a program to provide a

1 loan to be used for the cleanup of affected sites to  
2 an owner or a prospective purchaser of an affected  
3 site (including a local government) at which a vol-  
4 untary cleanup is being conducted or is proposed to  
5 be conducted under a State voluntary cleanup pro-  
6 gram that is the subject of a grant award under  
7 section 3.

8 (2) DISQUALIFICATION.—If the Administrator  
9 determines that an applicant has adequate resources  
10 to conduct, in the absence of financial assistance  
11 provided under this section, a cleanup that is the  
12 subject of a loan application, the Administrator shall  
13 not approve the application.

14 (b) SCOPE OF PROGRAM.—

15 (1) IN GENERAL.—

16 (A) LOANS.—The Administrator may  
17 award a loan to be used to clean up an affected  
18 site to each eligible applicant described in sub-  
19 section (a)(1) that submits an application to the  
20 Administrator that is approved by the Adminis-  
21 trator.

22 (B) LOAN APPLICATION.—An application  
23 for a loan under this section shall be in such  
24 form as the Administrator determines appro-

1           priate. At a minimum, the application shall in-  
2           clude the following:

3                   (i) A description of the affected site,  
4                   including the nature and extent of any  
5                   known or suspected environmental con-  
6                   tamination at the affected site and the  
7                   legal description of the real property asso-  
8                   ciated with the affected site.

9                   (ii) A complete description of the fi-  
10                  nancial standing of the applicant that in-  
11                  cludes a description of the assets, cash  
12                  flow, and liabilities of the applicant.

13                  (iii) A written certification that at-  
14                  tests that the applicant has attempted, and  
15                  has been unable, to secure financing from  
16                  a private lending institution for the clean-  
17                  up action that is the subject the loan appli-  
18                  cation. The certification shall specify the  
19                  name of each private lending institution to  
20                  which the applicant submitted an applica-  
21                  tion for a loan. With respect to each appli-  
22                  cation to such a lending institution, the  
23                  certification shall also specify—

24                               (I) the date that the loan applica-  
25                               tion was submitted and the date that

1 the applicant was notified of the re-  
2 fusal;

3 (II) the amount of the loan re-  
4 quested;

5 (III) the terms of the loan re-  
6 quested;

7 (IV) proof of the refusal of the  
8 loan by the lending institution; and

9 (V) the reasons given, if any, by  
10 the private lending institution for the  
11 refusal of the loan for the cleanup.

12 (iv) A justification for the amount of  
13 the financial assistance requested, includ-  
14 ing evidence that the amount of financial  
15 assistance requested by the applicant is not  
16 available to the applicant through other  
17 sources.

18 (v) The proposed method, and antici-  
19 pated period of time required, to clean up  
20 the environmental contamination at the af-  
21 fected site.

22 (vi) An estimate of the proposed total  
23 cost of the cleanup to be conducted at the  
24 site.



1                   (vii) An analysis that demonstrates  
2                   the potential of the affected site for creat-  
3                   ing new business and employment opportu-  
4                   nities on completion of the cleanup of the  
5                   site.

6                   (2) LOAN APPROVAL.—In determining whether  
7                   to award a loan under this section, the Adminis-  
8                   trator shall consider—

9                   (A) the need of the applicant for financial  
10                  assistance to clean up the affected site that is  
11                  the subject of the loan application, taking into  
12                  consideration the financial resources available  
13                  to the applicant;

14                  (B) the ability of the applicant to repay  
15                  the loan in a timely manner;

16                  (C) the inability of the applicant to secure  
17                  a loan from a private lending institution or  
18                  through other means of financing;

19                  (D) the extent to which the cleanup of the  
20                  affected site would reduce health and environ-  
21                  mental risks caused by the environmental con-  
22                  tamination at, or from, the affected site;

23                  (E) the estimated fair market value of the  
24                  affected site after cleanup;

1 (F) other economically viable, commercial  
2 activity on real property—

3 (i) located in the immediate vicinity of  
4 the affected site at the time of consider-  
5 ation of the application; or

6 (ii) projected to be located within the  
7 immediate vicinity of the affected site by  
8 the date that is 5 years after the date of  
9 the consideration of the application;

10 (G) the potential of the affected site for  
11 creating new, or expanding existing, business  
12 and employment opportunities on completion of  
13 the cleanup of the site;

14 (H) the estimated additional tax revenues  
15 expected to be generated at the site as a result  
16 of the voluntary cleanup;

17 (I) whether the site is located in an eco-  
18 nomically distressed community; and

19 (J) such other factors as the Administrator  
20 considers relevant to carry out the purposes of  
21 the loan program established under this section.

22 (3) LOAN AMOUNT.—The amount of a loan  
23 made to an applicant under this section shall not ex-  
24 ceed—

1 (A) 75 percent of the cost of the cleanup  
2 that is the subject of the loan; or

3 (B) \$750,000,  
4 whichever is less.

5 (4) STATE APPROVAL.—Each application for a  
6 loan under this section shall, as a condition for ap-  
7 proval by the Administrator, include a written state-  
8 ment by the State under whose voluntary program  
9 the voluntary cleanup is being conducted, or pro-  
10 posed to be conducted that—

11 (A) the voluntary cleanup or proposed vol-  
12 untary cleanup is cost effective; and

13 (B) the estimated total cost of the vol-  
14 untary cleanup is reasonable.

15 (c) LOAN AGREEMENTS.—Each loan under this sec-  
16 tion shall be made pursuant to a loan agreement. At a  
17 minimum, the loan agreement shall include provisions that  
18 address the following items:

19 (1)(A) The loan shall bear interest at the appli-  
20 cable rate specified in subparagraphs (B) through  
21 (D).

22 (B) For local government entities, the rate of  
23 interest shall be 1 percentage point below the aver-  
24 age current yield on marketable obligations of the

1 United States Treasury having comparable matu-  
2 rities.

3 (C) For prospective purchasers of an affected  
4 site, the rate of interest shall be 1 percentage point  
5 above the average current yield on marketable obli-  
6 gations of the United States Treasury having com-  
7 parable maturities.

8 (D) For current owners of an affected site, the  
9 rate of interest shall be 2 percentage points above  
10 the average current yield on marketable obligations  
11 of the United States Treasury having comparable  
12 maturities.

13 (2) The maturity period of the loan (as deter-  
14 mined by the Administrator) shall not exceed 10  
15 years.

16 (3) The repayment of the loan during the matu-  
17 rity period shall be in accordance with any schedule  
18 for payments that the Administrator may specify in  
19 the loan agreement.

20 (4) Each payment referred to in this section  
21 shall be made to the Secretary of the Treasury for  
22 deposit in the general fund of the Treasury.

23 (5) If the sale or redevelopment of the affected  
24 site results in a net profit to the applicant (taking  
25 into consideration any amount of reimbursement

1       that may be required under this paragraph) in an  
2       amount greater than or equal to 10 percent, in addi-  
3       tion to paying interest on the loan (as specified in  
4       paragraph (1)), the applicant shall make a payment  
5       to reimburse the Federal Government for the full  
6       and actual costs incurred by the Federal Govern-  
7       ment of making the loan to the applicant, including  
8       any administrative costs.

9               (6) The applicant shall comply with all applica-  
10       ble Federal and State laws (including regulations  
11       promulgated pursuant to such laws) applicable to  
12       the cleanup and shall proceed in accordance with  
13       any voluntary cleanup program in effect in the  
14       State.

15              (7) The applicant shall guarantee repayment of  
16       the loan.

17              (8) The applicant shall use the loan solely for  
18       purposes of cleaning up the environmental contami-  
19       nation at the affected site, and shall return any ex-  
20       cess funds to the Administrator immediately on a  
21       determination by the Administrator that the cleanup  
22       has been completed.

23              (9) The loan shall not be transferable, unless  
24       the Administrator agrees to the transfer in writing.

1           (10) Such other terms and conditions that the  
2       Administrator determines necessary to protect the fi-  
3       nancial interests of the United States.

4       (d) FEDERAL LIEN.—

5           (1) IN GENERAL.—A lien in favor of the United  
6       States shall arise on the contaminated property sub-  
7       ject to a loan under this section. The lien shall cover  
8       all real property included in the legal description of  
9       the property at the time the loan agreement pro-  
10      vided for in this section is signed, and all rights to  
11      the property, and shall continue until the terms and  
12      conditions of the loan agreement have been fully sat-  
13      isfied. The lien shall arise at the time the United  
14      States grants a loan under this section, and shall  
15      not be subject to the rights of any purchaser, holder  
16      of a security interest, or judgment lien creditor  
17      whose interest is or has been perfected under appli-  
18      cable State law, except that any interest held by the  
19      United States as security for a loan under this sec-  
20      tion shall be subordinate to any lien on the property  
21      for taxes due on the property to a State or political  
22      subdivision thereof.

23           (2) DEFINITIONS.—As used in this paragraph,  
24      the terms “security interest” and “purchaser” shall  
25      have the meaning provided the terms in paragraphs

1 (1) and (6), respectively, under section 6323(h) of  
2 the Internal Revenue Code of 1986.

3 (e) ENFORCEMENT.—

4 (1) IN GENERAL.—If any owner or prospective  
5 purchaser who receives a loan under this section  
6 fails to comply with any condition of a loan agree-  
7 ment entered into pursuant to this section, the Ad-  
8 ministrator may request the Attorney General of the  
9 United States to commence a civil action in an ap-  
10 propriate district court of the United States to en-  
11 force the loan agreement.

12 (2) JURISDICTION OF DISTRICT COURT.—The  
13 district court shall have jurisdiction to enforce the  
14 loan agreement and grant such relief as the public  
15 interest and the equities of the case may require.

16 **SEC. 6. REGULATIONS.**

17 The Administrator shall promulgate such regulations  
18 as are necessary to carry out this Act. The regulations  
19 shall include the procedures and standards that the Ad-  
20 ministrator considers necessary, including procedures and  
21 standards for evaluating an application for a grant or loan  
22 submitted under this Act.

23 **SEC. 7. AUTHORIZATIONS OF APPROPRIATIONS.**

24 (a) VOLUNTARY CLEANUP GRANT PROGRAM.—There  
25 are authorized to be appropriated to the Environmental

1 Protection Agency, to carry out section 3, an amount not  
2 to exceed \$15,000,000 for fiscal year 1994, and  
3 \$7,500,000 for each of fiscal years 1995 through 1997.

4 (b) SITE CHARACTERIZATION PROGRAM.—There are  
5 authorized to be appropriated to the Environmental Pro-  
6 tection Agency, to carry out section 4, an amount to ex-  
7 ceed \$15,000,000 for each of fiscal years 1994 through  
8 1997.

9 (c) VOLUNTARY CLEANUP ASSISTANCE PROGRAM.—  
10 There are authorized to be appropriated to the Environ-  
11 mental Protection Agency, to carry out section 5, an  
12 amount to exceed \$15,000,000 for each of fiscal years  
13 1994 through 1997.

14 (d) AVAILABILITY OF FUNDS.—The amounts appro-  
15 priated pursuant to this section shall remain available  
16 until expended.

17 **SEC. 8. REPORT.**

18 (a) IN GENERAL.—Not later than 1 year after the  
19 date of enactment of this Act, and not later than January  
20 31 of each of the succeeding 3 calendar years thereafter,  
21 the Administrator shall prepare and submit a report to  
22 the Committee on Environment and Public Works of the  
23 Senate and the Committee on Energy and Commerce of  
24 the House of Representatives describing the achievements  
25 of each grant or loan program established under this Act.



1 (b) CONTENTS OF REPORT.—The report shall, with  
2 respect to the programs established under this Act, include  
3 a description of—

4 (1) the number of grant and loan applications  
5 received by the Administrator during the preceding  
6 calendar year;

7 (2) the number of grants and loans disapproved  
8 during the preceding year, and the reasons for dis-  
9 approval;

10 (3) the number of grants and loans approved by  
11 the Administrator during the preceding calendar  
12 year;

13 (4) the amount of grants and loans made dur-  
14 ing the preceding year, and an estimate of the total  
15 cleanup costs incurred by parties receiving a loan  
16 under the voluntary cleanup assistance program;

17 (5) with respect to each voluntary cleanup pro-  
18 gram of a State that was the subject of a grant  
19 under section 3—

20 (A) the purposes to which the grant  
21 awarded to the State was applied; and

22 (B) the achievements of the program;

23 (6) the affected sites identified by local govern-  
24 ments and the status of cleanup of such sites; and

1           (7) the affected sites at which a cleanup was  
2           initiated pursuant to the voluntary cleanup assist-  
3           ance program under section 5, and the status of  
4           cleanup and beneficial reuse of such sites.

5 **SEC. 9. FUNDING.**

6           (a) ELIGIBLE COSTS DEFINED.—For the purposes of  
7           each grant and loan program established under this Act,  
8           the term “eligible costs” shall include administrative and  
9           nonadministrative costs.

10          (b) NONADMINISTRATIVE COSTS.—As used in this  
11          section, the term “nonadministrative costs” shall include  
12          the cost of—

13               (1) oversight for a cleanup by contractor,  
14               owner, or prospective purchaser;

15               (2) identifying the probable extent and nature  
16               of environmental contamination at an affected site,  
17               and the preferred manner of carrying out a cleanup  
18               at an affected site;

19               (3) each cleanup, including onsite and offsite  
20               treatment of contaminants; and

21               (4) monitoring ground water or other natural  
22               resources.

23          (c) ADMINISTRATIVE COST LIMITATION.—Not more  
24          that 15 percent of the amount of a grant or loan made  
25          pursuant to this Act may be used for administrative costs.

1 No grant or loan made pursuant to this Act may be used  
2 to pay for fines or penalties owed to a State or the Federal  
3 Government.

4 (d) OTHER LIMITATIONS.—Funds made available to  
5 a State pursuant to the grant program established under  
6 section 3 shall be used only for establishing or administer-  
7 ing a voluntary cleanup program.

8 **SEC. 10. STATUTORY CONSTRUCTION.**

9 Nothing in this Act is intended to affect the liability  
10 or response authorities of any other law (including any  
11 regulation) for environmental contamination including the  
12 Comprehensive Environmental Response, Compensation,  
13 and Liability Act of 1980 (42 U.S.C. 9601 et. seq.), the  
14 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the  
15 Federal Water Pollution Control Act (33 U.S.C. 1251 et  
16 seq.), the Toxic Substances Control Act (15 U.S.C. 2601  
17 et seq.), or title XIV of the Public Health Service Act,  
18 commonly known as the “Safe Drinking Water Act” (42  
19 U.S.C. 300f et seq.).

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